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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,147	10/21/2003	Stephen H. Canonico	A3 , 041	3912

7590 07/17/2006
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EXAMINER

KNIGHT, DEREK DOUGLAS

ART UNIT	PAPER NUMBER .
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3681

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,147

Applicant(s)

CANONICO, STEPHEN H.

Examiner

Derek D. Knight

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/21/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because in Figure 2 the mounting bracket (28) is incorrectly labeled as (50). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because it contains embedded hyperlinks and/or other form of browser-executable code. Applicant is required to delete the embedded

hyperlinks and/or other form of browser-executable code found on page 3, lines 22 - 27.

See MPEP § 608.01.

3. The disclosure is objected to because of the following informalities: On page 3, line 24, please delete "discloses". Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Korsmo US 2,800,798.

Korsmo shows in Figure 1 below, a lever body (23) mounted for pivoting movement about an axis from a released position, to an actuated position; said lever body having a rearward first fulcrum surface (A) and a rearwardly-extending lip (26) proximate said first fulcrum surface; a lever arm (19) having a forward edge portion (B) and a second fulcrum surface proximate said forward edge portion (C), said first fulcrum surface and said second fulcrum surface being adapted for mating engagement when said forward edge portion is engaged under said lip; and tensioning means (28) for applying a contraction force between said first fulcrum surface and said second fulcrum surface that biases said first and second fulcrum surfaces into mating engagement.

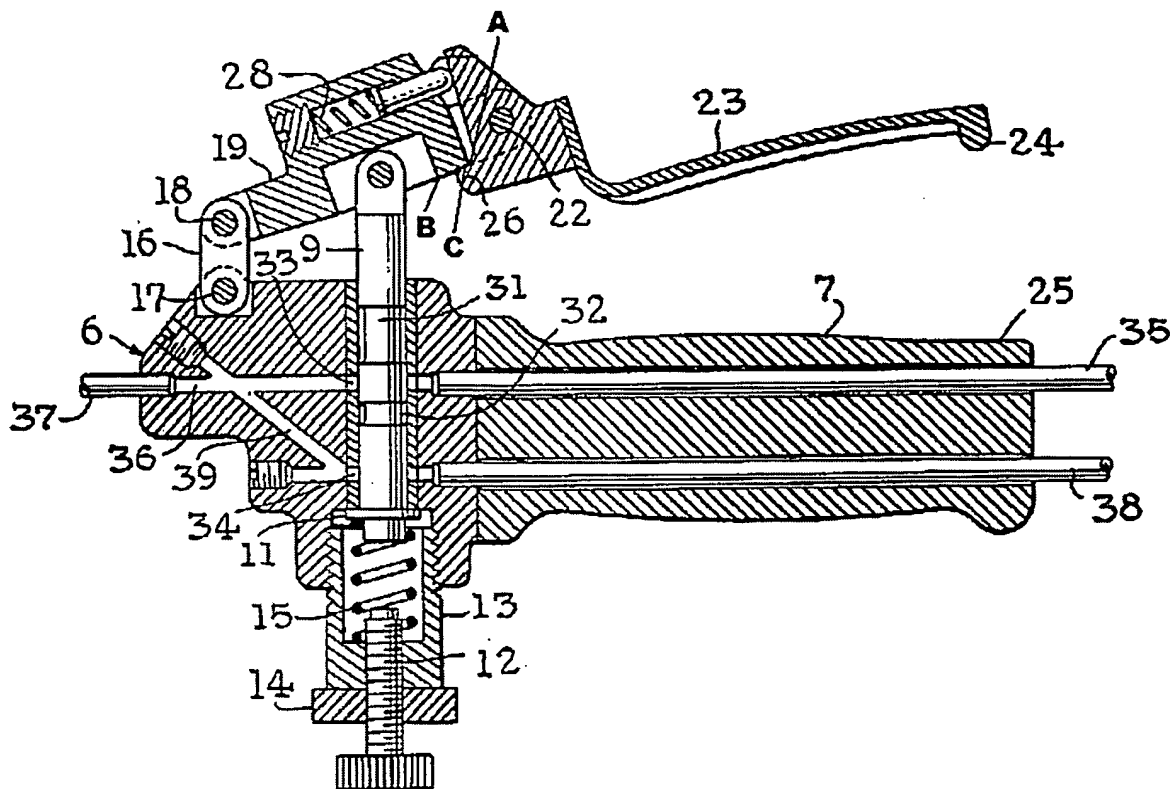


Figure 1: Korsmo US 2,800,798

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korsmo US 2,800,798 in view of Brainard US 6,516,682.

Korsmo discloses a hand operated jointed control lever as described in the rejection of claim 1 above, including a first and second fulcrum surfaces, but does not disclose the surfaces being arcuate or cylindrically concave and convex.

Brainard shows in Figure 2 below, a hand operated jointed control lever with first and second mating surfaces (A, B) that are cylindrically concave and convex.

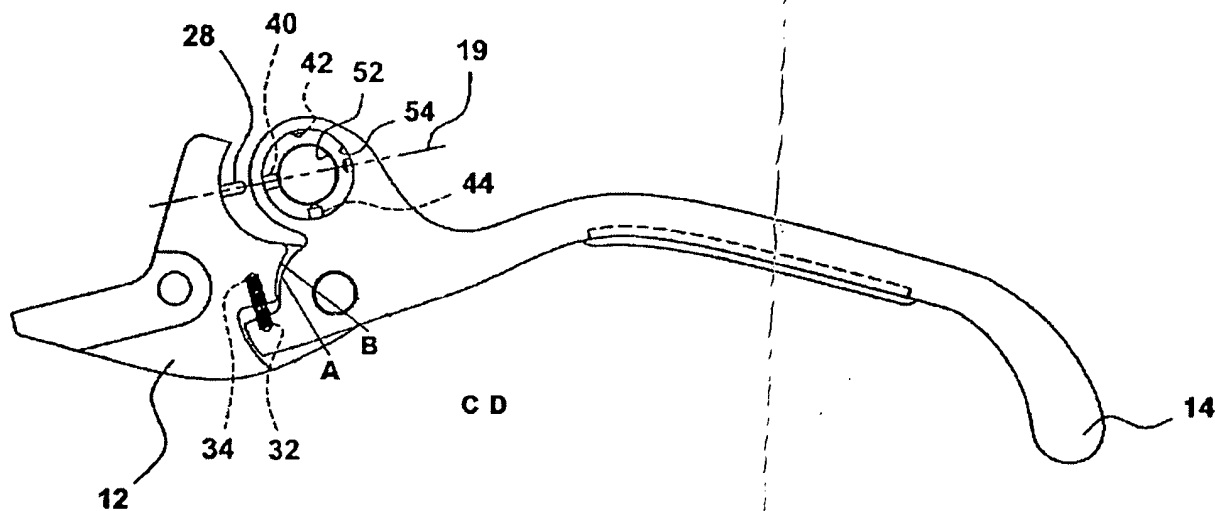


Figure 2: Brainard US 6,516,682

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the lever assembly disclosed by Korsmo such that the mating surfaces be cylindrically concave and convex in view of Brainard to provide a larger contact area therefore allowing for a better distribution of force and lessening the stress on the mating components.

6. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korsmo in view of Sogoian US 3,940,165.

Korsmo discloses a hand operated jointed control lever as described in the rejection of claim 1 above, including a tensioning means, but does not disclose the

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tensioning means as a cable passing through the first and second fulcrum surfaces, the cable having a first and a second end with the first end being secured to the lever arm; and a tensioning spring interposed between the second end of the tensioning cable and the lever body. Nor does Korsmo teach the spring being a coil spring that is disposed within a cavity formed within the lever body, and the tensioning cable passing axially through the coil spring.

Sogoian shows in Figure 3 below a tensioning cable (74) passing through the first (A) and second (B) fulcrum surface, said tensioning cable having a first end (76) and a second end (86), said first end being secured to said lever arm (20); and a compression coil spring (80) interposed between the second end of the tensioning cable and the lever body within a cavity (C) formed within said lever body (18), and the tensioning cable passing axially through the coil spring.

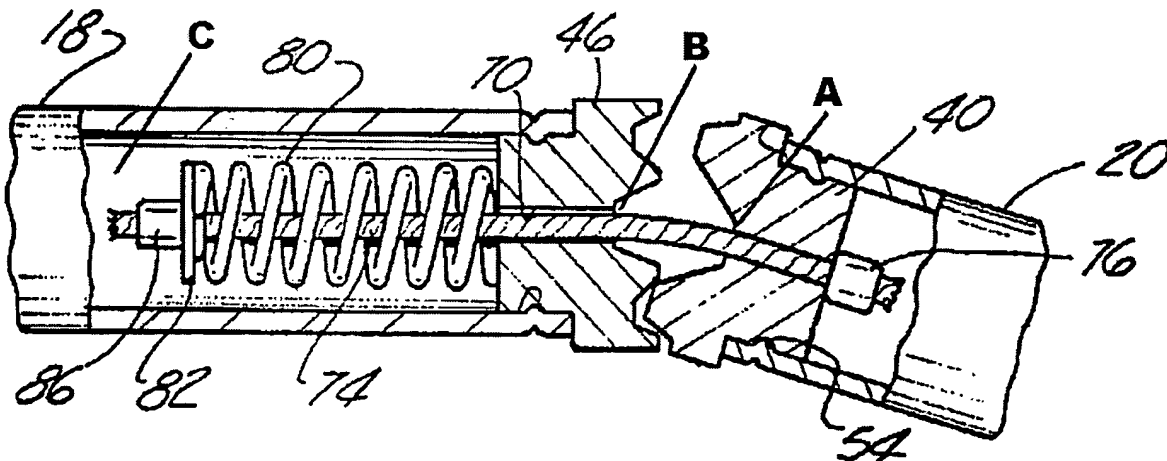


Figure 3: Sogoian US 3,940,165

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Korsmo such that the tensioning means comprises a cable passing through a coil spring in view of Sogoian to allow for a greater range of motion when the lever body is angularly deflected relative to the lever arm (Sogoian, ABSTRACT, lines 5-6).

7. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korsmo US 2,800,798 in view of Brainard US 6,516,682 and Sogoian US 3,940,165.

Korsmo discloses a hand-operated jointed control lever assembly, described in the rejection of claim one in paragraph four. However, the lever assembly of Korsmo lacks cylindrically concave and convex first and second fulcrum surfaces; it also fails to mention a tensioning cable passing through the first and second fulcrum surfaces, the cable having a first and second end, the first end being secured to the lever arm, a compression coil spring used as the tensioning spring and disposed within a cavity formed within the lever body between the second end of the tensioning cable and the lever body, and the tensioning cable passing axially through the coil spring.

Brainard, as discussed in paragraph 5, teaches the first and second fulcrum surfaces being cylindrically concave and convex.

Sogoian, as discussed in paragraph 6, teaches the tensioning means which Korsmo lacks.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the lever assembly disclosed by Korsmo such that the mating surfaces be cylindrically concave and convex in view of Brainard to provide a

larger contact area therefore allowing for a better distribution of force and lessening the stress on the mating components.

It would also have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Korsmo such that the tensioning means comprises a cable passing through a coil spring in view of Sogoian to allow for a greater range of motion when the lever body is angularly deflected relative to the lever arm (Sogoian, ABSTRACT, lines 5-6).

Facsimile Transmission

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is (571) 273-8300. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on _____ (Date)

Typed or printed name of person signing this certificate:

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derek D. Knight whose telephone number is (571) 272-

7951. The examiner can normally be reached on Mon - Thurs & every other Friday,
9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DDK

Charles A. Marmor 6/30/06
CHARLES A. MARMOR
SUPERVISORY PATENT EXAMINER
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